

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAMARR JOHNSON,

V.

D. NEVEN et al.,

Plaintiff,

Defendants.

Case No. 2:18-cv-00223-JCM-NJK

ORDER

10 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state
11 prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. Docket No. 1.
12 Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the
13 full filing fee in this matter.

14 The Court entered a screening order on January 23, 2019. Docket No. 3. A follow-up
15 order imposed a 90-day stay and the Court entered a subsequent order in which the parties were
16 assigned to mediation by a court-appointed mediator. Docket Nos. 5, 7. The Office of the Attorney
17 General has filed a status report indicating that settlement has not been reached and informing the
18 Court of its intent to proceed with this action. Docket No. 10.

For the foregoing reasons, **IT IS ORDERED** that:

20 1. Plaintiff's application to proceed *in forma pauperis*, Docket No. 1, is **GRANTED**.
21 Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this
22 action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

23 2. The movant herein is permitted to maintain this action to conclusion without the
24 necessity of prepayment of any additional fees or costs or the giving of security therefor. This
25 order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service
26 of subpoenas at government expense.

27 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
28 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding

1 month's deposits to Plaintiff's account (**Lamarr Johnson, #1150550**), in the months that the
2 account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk
3 of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The
4 Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of Inmate
5 Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

6 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
7 of Plaintiff's complaint, Docket No. 4, on the Office of the Attorney General of the State of Nevada
8 by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate
9 acceptance of service.

10 5. Service must be perfected no later than **August 27, 2019**, pursuant to Fed. R. Civ.
11 P. 4(m).

12 6. Subject to the findings of the screening and follow-up orders, Docket Nos. 3, 5, no
13 later than **June 19, 2019**, the Attorney General's Office shall file a notice advising the Court and
14 Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the
15 defendants for whom it does not accept service, and (c) the names of the defendants for whom it
16 is filing the last-known-address information under seal. As to any of the named defendants for
17 whom the Attorney General's Office cannot accept service, the Office shall file, under seal, but
18 shall not serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom it
19 has such information. If the last known address of the defendant(s) is a post office box, the
20 Attorney General's Office shall attempt to obtain and provide the last known physical address(es).

21 7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file
22 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
23 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General
24 has not provided last-known-address information, Plaintiff shall provide the full name and address
25 for the defendant(s).

26 8. If the Attorney General accepts service of process for any named defendant(s), such
27 defendant(s) shall file and serve an answer or other response to the complaint, Docket No. 4, no
28 later than **July 29, 2019**.

1 9. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been
2 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document
3 submitted for consideration by the Court. Plaintiff shall include with the original document
4 submitted for filing a certificate stating the date that a true and correct copy of the document was
5 mailed or electronically filed to the defendants or counsel for the defendants. If counsel has
6 entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the
7 notice of appearance, at the physical or electronic address stated therein. The Court may disregard
8 any document received by a district judge or magistrate judge which has not been filed with the
9 Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to
10 include a certificate showing proper service.

11 10. This case is no longer stayed.

12 DATED: May 29, 2019.

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15 NANCY J. KOPPE
16 UNITED STATES MAGISTRATE JUDGE
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